

Amendments to the Drawings

The attached sheets of drawings includes changes to Figs. 2d, 4a and 4b. These sheets, which include Figs. 2d, 4a and 4b, replace the original sheets including Figs. 2d, 4a and 4b.

In Fig. 2d, the reference number 17' has been deleted.

In Figs 4a and 4b, reference number 17 has been amended to be 317 to reflect the scale drum 317 in previously amended Fig. 3 and the previously amended specification.

Attachments: Replacement Sheets
Annotated Sheets Showing Changes

Remarks

The present communication responds to the non-final Office action of March 30, 2007 in which the Examiner rejected claims 1-9, 12-14, 16, 17 and 19. The drawings and specification were objected to for informalities. Claims 1-9, 12 and 13 were objected to for informalities. Claims 9 and 12 were rejected under 35 U.S.C. § 112, second paragraph. Claims 6, 7, 9, 12, 17 and 19 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 4,850,967 ("Cosmai"). Claims 1-5, 14 and 16 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 7,011,234 ("Stradella"). Claim 13 was rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 7,118,552 ("Shaw et al."). Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Stradella in view of Cosmai.

Claims 1-9, 12-14, 16, 17 and 19 are pending in the application. Claims 1-4, 6, 8, 9, 12, 13 and 17 have been amended. Claims 7, 14 and 16 have been cancelled. No new subject matter has been added to the claims. Support for amended claims 1-4, 6, 8, 9, 12, 13 and 17 can be found in general throughout the specification and in particular, for example, at page 9, lines 24-29, page 12, lines 1-24, page 16, line 26 to page 17, line 8, and page 17, line 21 to page 18, line 17.

The claim rejections are traversed in view of the amendments and for at least the reasons articulated below.

Reconsideration is requested.

Drawings

The drawings have been amended to address the issues identified by the Examiner. Therefore, withdrawal of the objection to the drawings is respectfully requested.

Specification

The disclosure was objected to because of informalities.

The first sentence of the paragraph, beginning on page 14, line 29 has been amended to correct the grammatical error. Therefore, withdrawal of the objection to the disclosure is requested.

The specification was objected to for failing to provide proper antecedent basis for the claimed subject matter.

Claims 1, 2, 9, 13 and 17 have been amended to provide proper antecedent basis for the claimed subject matter, thereby obviating the objection to the specification.

Claim Objections

Claims 1-9, 12 and 13 were objected to because of informalities.

Claim 1 has been amended to delete the term “dispensing mean”

Claims 6 and 13 recite, “An injection device for administering a fluid product...said fluid product” providing sufficient antecedent basis for the limitation “said fluid product.”

Therefore, the claim objections should be withdrawn.

Rejection under 35 U.S.C. § 112

Claims 9 and 12 were rejected under 35 U.S.C. § 112, second paragraph.

Claim 9 has been amended to delete the language, “further comprising an indicator for indicating a product amount in the product container.”

Claim 12 depends from amended claim 9.

Therefore, withdrawal of the rejection under 35 U.S.C. § 112 is requested.

Rejections under 35 U.S.C. § 102(e)

Cosmai. Claims 6, 7, 9, 12, 17 and 19 were rejected under 35 U.S.C. § 102(e) as anticipated by Cosmai.

Applicant notes that the Office action referred to the rejection of Cosmai under 35 U.S.C. § 102(e). However, due to the date of Cosmai, it is believed the Examiner intended the rejection to be under § 102(b).

Claim 7 has been cancelled.

Cosmai describes a portable endermic injector having a trigger assembly 13 in which an actuator 40 is pressed against an annular lever 41 by a spring 43. The annular lever is connected to a push button 38 by a pin 45. If the push button 38 is operated, the lever 41 is displaced and pushes the actuator forward. Several variations of the triggering assembly are illustrated in Figs. 3-6 of Cosmai. In Cosmai, there is a reader catch 56 having an engagement tooth 57 which cooperates with the threaded portion 46 or annular slider 247. The tooth 57 is unable to move axially, if the hand grip 32 is rotated, it sets in rotation by means of the guide rod 58 of the annular slider. (*See Cosmai, col. 7, lines 30-37, and Fig. 2*).

In contrast to the invention as recited in amended claims 6 and 17, Cosmai does not disclose or suggest an injection device having a dosing means including a releasing element for setting a dose amount, wherein the releasing element projects through an opening in the casing of the injection device, and dimensions of the opening limit movement of the releasing element, thereby determining the amount of the dose, wherein the dosage is released by moving the releasing element from a first stopper on the first side of the opening to a second stopper on a second side of the opening, opposite the first side. The Cosmai device does not include any such setting feature. There are structural differences between the device of amended claims 6 and 17 and the device of Cosmai. The reader catch 56 of Cosmai is not moved from a first stopper on a first side of the opening to a second stopper on a second side of the opening, opposite the first side. In contrast, the reader catch of Cosmai has an engagement tooth 57 which does not move from a first stopper on a first side of the opening to a second stopper on a second side of the opening, opposite the first side. As the structure is shown in Fig. 2 of Cosmai, the engagement tooth is not able to move between stoppers on either side of an opening. Therefore, amended claims 6 and 17 are believed to be patentable over Cosmai.

Claims 9 and 12 depend from amended claim 6 and are believed to be patentable for at least those reasons set forth above with respect to amended claim 6.

Claim 19 depends from amended claim 17 and is believed to be patentable for at least those reasons set forth above with respect to amended claim 17.

Stradella. Claims 1-5, 14 and 16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Stradella.

Claims 14 and 16 have been cancelled.

Stradella describes a mixture-forming system including an actuator element 50 which cooperates with actuating means such as one or more pegs 16 and 17 and a dispensing means including one or more pegs 31 and 32.

In contrast to the present invention as recited in amended claim 1, Stradella does not disclose or suggest a protrusion that is co-operable with the piston rod via a surface oblique relative to a longitudinal axis of the casing, such that by pivoting the lever arm of the operating means, movement of the protrusion along the oblique surface displaces the piston rod, thereby dispensing the fluid product from the product container. Instead Stradella describes a dispensing means that includes one or more pegs 31 and 32 offset axially relative to the pegs 16, 17 of the mixture-forming system, and also implemented on resilient tabs 70 so as to enable them to co-operate in succession with the actuating element 50 each time the actuating element 50 is actuated. (*Stradella, col. 4, lines 45-50*).

For at least these reasons, amended claim 1 are believed to be patentable over Stradella.

Also, amended claims 2-4 and claim 5 depend directly from amended claim 1 and are believed to be patentable for at least those reasons set forth above with respect to amended claim 1.

Shaw et al. Claim 13 was rejected under 35 U.S.C. § 102(e) as being anticipated by Shaw et al.

Shaw et al. describes an automatically operable safety shield system for use with a syringe including an inner holder 20, outer shield 30, metal coil spring 40, trigger 50, syringe 60, needle 430 and needle cover 431.

In contrast with the injection device as recited in amended claim 13, Shaw et al. does not disclose or suggest a needle protector including a sleeve arranged on one of the holder or the product container such that the sleeve is shiftable in a longitudinal direction with respect to the holder or product container to generally surround said injection needle in an advanced position, wherein the holder for the product container together with the sleeve is insertable into the casing and removable from the casing to exchange the product container, wherein the sleeve serves as a guide for a needle cap used to exchange the injection needle. In Shaw et al. attempts to pull apart (i.e. disengage) inner holder 20 and outer shield 30 causes stop members 300 to engage inner holder 20 more substantially. (*Shaw et al.*, col. 12, lines 34-37). In Shaw et al. the syringe 60 is inserted needle 430 first, into mouth 111 or inner holder 20 and slid towards end 110 such that needle 430 and needle cover 431 protrude from end 110. (*Shaw et al.*, col. 12, lines 41-43). After the needle 430 is removed from the patient outer shield 30 is caused to slide over inner holder 20, covering needle 430, then the outer shield is locked in the extended position. (*Shaw et al.*, col. 13, lines 2-17).

For at least these reasons, amended claim 13 is believed to be patentable over Shaw et al.

Rejection under 35 U.S.C. § 103(a)

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Stradella in view of Cosmai.

None of Stradella, Cosmai or the combination thereof discloses or suggests the injection device recited in amended claim 1, from which claim 8 indirectly depends. As discussed above with respect to amended claim 1, Stradella does not disclose or suggest a protrusion that is co-operable with the piston rod via a surface oblique relative to a longitudinal axis of the casing, such that by pivoting the lever arm of the operating means, movement of the protrusion along the oblique surface displaces the piston rod, thereby dispensing the fluid product from the product

container. Cosmai fails to remedy the deficiencies of Stradella since it does not disclose or suggest these features as recited in amended claim 1.

Therefore, amended claim 8 is believed to be patentable over the applied combination of references.

Conclusion

The application now stands in allowable form, and reconsideration and allowance are requested.

This response is being submitted on or before September 30, 2007 with the required fee for a three-month extension of time and RCE filing fee, making this a timely response. It is believe that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

Respectfully submitted,

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